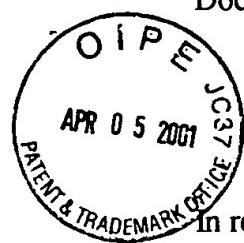


Docket No. 49658-0025

AE147004A00
Jensen
PATENT & TRADEMARK OFFICE
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K. Phuwell



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

MARTIN LIVESEY

Serial No.: 09/183,621

Group Art Unit: 2672

Filed: October 30, 1998

Examiner: Chante' Harrison

For: APERIODIC TILING OF TEXTURED IMAGES

REQUEST FOR RECONSIDERATION

BOX AF
Commissioner of Patents
Washington, D.C. 20231

The Applicant thanks the Examiner for the interview conducted on March 28, 2001. As discussed during the interview, Applicant is submitting the following remarks and respectfully requests reconsideration of the above application.

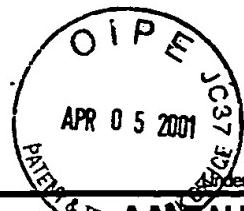
During that interview, it was pointed out how *Jensen* is concerned with **patterns on the surface of tiles**, while the present invention is concerned with **patterns of tiles on a surface**. More specifically, *Jensen* is concerned with finding out how far to rotate a tile in order for the pattern on the surface of the rotated tile to align with the pattern on the surface of an adjacent tile. On the other hand, the present invention is concerned with placing textured tiles over a surface, where the pattern in which the tiles are placed reduces a viewer's ability to detect any pattern in the texture covering the surface.

It was also pointed out during the interview that even if one were to generate a series of rotated tiles, where each tile was rotated slightly more than its predecessor, it is not clear how such a series of tiles could be used to cover a surface (how rotated tiles could be placed adjacent to each other), unless, for example, the tiles themselves were not rotated, but only the pattern on the surface of the tiles was rotated. For example, Fig. 9 of *Jensen* shows two adjacent square tiles that have not been rotated, where the pattern on the surface of the square tiles has been rotated. A surface can easily be covered by square tiles, such as those shown in Fig. 9. However, the pattern of the tiles on such a surface would be a symmetrical, checkerboard pattern (a far cry from the "aperiodic" pattern required by the present claims).

The Applicant also thanks the Examiner for confirming receipt of the previously submitted Petition for Color Drawings and for helping to ensure that the petition is considered.

The application currently stands finally rejected based on the Final Office Action mailed December 20, 2000 and the Advisory Action mailed March 15, 2001. The shortened statutory period based on the Final Office Action ran until March 20, 2001, and the statutory period runs until June 20, 2001.

The applicant herewith petitions the Commissioner of Patents under 37 C.F.R. § 1.136 to extend the time for reply to the Final Office Action dated December 20, 2000 for one (1) month from March 20, 2001 to April 20, 2001. Submitted herewith is a check for \$110 to cover the cost of the one (1) month extension per 37 C.F.R. § 1.17(a)(1).



AMENDMENT FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.
Small Entity payments must be supported by a small entity statement,
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.
See 37 C.F.R. §§ 1.27 AND 1.28

TOTAL AMOUNT OF PAYMENT (\$ 110.00)

Complete if Known

Application Number	09/183,621
Filing Date	October 30, 1998
First Named Inventor	Martin Livesey
Examiner Name	Chante' Harrison
Group/Art Unit	2672
Attorney Docket No.	49658-0025

METHOD OF PAYMENT (check one)

1. Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Deposit Account Number

50-1302

Deposit Account Name

Hickman Palermo Truong & Becker, LLP

2. Payment Enclosed:

Check Money Order Other

3. Applicant(s) is entitled to small entity status.
See 37 CFR 1.27.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
101	710	201	355 Utility filing fee
106	320	206	160 Design filing fee
107	490	207	245 Plant filing fee
108	710	208	355 Reissue filing fee
114	150	214	75 Provisional filing fee
SUBTOTAL (1)		(\$ 0.00)	

2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Highest Paid Claims	Extra Claims	Fee from Below	Fee Paid
		16 -20=	0	x 18.00	= 0.00
4		- 4**=	0	x 80.00	= 0.00

Multiple Dependent

Large Entity Fee Code	Small Entity Fee Code	Fee Description
103	18	203 9 Claims in excess of 20
102	80	202 40 Independent claims in excess of 3
104	270	204 135 Multiple dependent claim, if not paid
109	80	209 40 **Reissue independent claims over original patent
110	18	210 9 **Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ 0.00)

3. ADDITIONAL FEES

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
105	130	205 65 Surcharge – late filing fee or oath	
127	50	227 25 Surcharge – late provisional filing fee or cover sheet	
139	130	139 130 Non-English specification	
147	2,520	147 2,520 For filing a request for reexamination	
112	920*	112 920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840* Requesting publication of SIR after Examiner action	
115	110	215 55 Extension for reply within first month	110.00
116	390	216 195 Extension for reply within second month	
117	890	217 445 Extension for reply within third month	
118	1,390	218 695 Extension for reply within fourth month	
128	1,890	228 945 Extension for reply within fifth month	
119	300	219 150 Notice of Appeal	
120	300	220 150 Filing a brief in support of an appeal	
121	260	221 130 Request for oral hearing	
138	1,510	138 1,510 Petition to institute a public use proceeding	
140	110	240 55 Petition to revive – unavoidable	
141	1,210	241 605 Petition to revive – unintentional	
142	1,210	242 605 Utility issue fee (or reissue)	
143	430	243 215 Design issue fee	
144	580	244 290 Plant issue fee	
122	130	122 130 Petitions to the Commissioner	
123	50	123 50 Petitions related to provisional applications	
126	240	126 240 Submission of information Disclosure Stmt	
581	40	581 40 Recording each patent assignment per property (times number of properties)	
146	690	246 345 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	690	249 345 For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify)		Request for Reconsideration	0.00
Other fee (specify)			
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3)	(\$ 110.00)

SUBMITTED BY

Name (Print/Type)	Craig G. Holmes	Registration No. (Attorney/Agent)	44,770	Telephone	(408) 414-1080
Signature				Date	April 2, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Box AF, Commissioner for Patents, Washington, D.C. 20231.

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